



Federal Communications Commission  
Washington, D.C. 20554

**DA 07-1096**

March 8, 2007

David K. Moskowitz  
Executive Vice President and General Counsel  
EchoStar Satellite Operating Corporation  
9601 South Meridian Blvd  
Englewood, CO 80112

Re: EchoStar Satellite Operating Corporation  
File No. SAT-MOD-20061218-00154  
Call Sign: S2636

Dear Mr. Moskowitz:

This letter is in response to EchoStar Satellite Operating Corporation's (EchoStar) above referenced modification application specifying a precise orbital location for the EchoStar 113 satellite. EchoStar filed this application to meet a condition contained in its October 19, 2006 authorization for this satellite.<sup>1</sup> For the following reason, we dismiss the application as incomplete without prejudice to refile.

Section 25.112(a)(2) of the Commission's rules states that an application is unacceptable for filing if it "does not substantially comply with the Commission's rules [or] regulations."<sup>2</sup> Further, section 25.114(d)(14)(iii) provides that a space station operator must include a statement that it has assessed whether there are any known satellites at, or reasonably expected to be located at, the requested orbital location, and if so, provide the identities of the parties and measures taken to prevent collisions.<sup>3</sup> EchoStar did not submit this information for its proposed operations at 112.85° W.L. Consequently, the modification application is incomplete and therefore unacceptable for filing.

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<sup>1</sup> EchoStar Satellite Operating Corporation, File Nos. SAT-MOD-20051007-00198, SAT-AMD-20051118-00248 and SAT-AMD-20060724-00081, grant stamped with conditions by the Chief, Satellite Division, October 19, 2006.

<sup>2</sup> 47 C.F.R. § 25.112(a)(2).

<sup>3</sup> 47 C.F.R. § 25.114(d)(14)(iii).

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss the application without prejudice to refiling. EchoStar has 15 days from date of this letter to refile its complete modification application.<sup>4</sup> Failure to submit this information may render EchoStar's authorization for the 113° W.L. orbital location null and void.

Sincerely,

Robert G. Nelson  
Chief, Satellite Division  
International Bureau

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<sup>4</sup> Applications returned to applicants for additional information will not require an additional fee when resubmitted, if the resubmitted application is identical to the returned application except for the missing information. 47 C.F.R. § 1.1109.